

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application and the indication that claim 16 would be in a condition for allowance, if rewritten in independent form. Applicants request reconsideration of the subject application based on the preceding amendments and the following remarks.

Claim 15 has been amended and claim 16 cancelled by the instant amendment. New claims 18-21 have been introduced. Support for the amendment to claim 15 and new claims 18-21 can be found throughout the specification. Specifically, the amendment to claim 15 and new claims 18-19 can be found in Examples 2, 20, 23, and 40-42. Support for new claims 20-21 can be found in the specification at page 13, first full paragraph and in Example 40. No new matter has been introduced by the instant amendments. Applicants reserve the right to pursue cancelled subject matter in this or a subsequent application.

Claims 15 and 17 were rejected under 35 U.S.C. §102(b) as being allegedly clearly anticipated by Takeo.

As the reference is understood, Takeo teaches 4-(4-hydroxyphenyl)-benzoic acid methyl ester.

The claims, as amended, do not encompass the compound recited by Takeo.

More particularly, claim 15 provides compounds in which the Z position is a substituted alkoxy carbonyl having a cycloalkyl substituent.

Claim 18 provides compounds of Formula VIII, in which X is a halogen. Takeo neither teaches nor suggests compounds in which the phenol ring is substituted by halogen.

Claim 20 provides compounds in which Z is substituted alkoxy carbonyl having 2-19 carbon atoms, wherein the substituent of the alkoxy carbonyl is (i) a C₃₋₁₈cycloalkyl group or (ii) a phenoxy group which is optionally substituted with halogen, C₁₋₁₀alkyl, or C₁₋₁₀alkoxy group.


Takeo neither teaches nor suggests compounds provided by claims 15, 18, or 20. Claims 17, 19, and 21 depend from claim 15, 18, or 20. Therefore the claims, as currently amended, are patentable over the disclosure of the Takeo patent.

It is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

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